

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7771

Joint Petition of Green Mountain Power Corporation)
("GMP") and Vermont Electric Cooperative, Inc.)
("VEC"), pursuant to 30 V.S.A. § 110-112, for)
authority to condemn easement rights in property)
interests of the McAllister Family Trust, William H.)
McAllister and Barbara M. McAllister, Trustors and/or)
Trustees, located in Lowell, Vermont, for the purpose)
of constructing the 46 kV transmission line portion of)
the so-called Kingdom Community Wind Project)

Order entered: 9/30/2011

PREHEARING CONFERENCE MEMORANDUM AND SCHEDULING ORDER

I convened a Prehearing Conference in this matter on September 22, 2011. In attendance were Green Mountain Power Corporation ("GMP") and Vermont Electric Cooperative, Inc. ("VEC"), (jointly the "Petitioners") represented by Joslyn L. Wilschek, Esq., from the firm of Pimmer Piper Eggleston & Cramer PC; the Vermont Department of Public Service ("Department") represented by Louise Porter, Esq.; and Mrs. Barbara M. McAllister, represented by Duncan Kilmartin, Esq., from the firm of Rexford & Kilmartin. Mr. Kilmartin's appearance was limited to the Prehearing Conference, so for now Mrs. McAllister must be considered as appearing *pro se*.

The Petitioners came prepared with a proposed schedule, which they had previously vetted with the Department. However, Mrs. McAllister was not amenable to the proposed schedule and, after some considerable colloquy, asked that the earliest (future) event be postponed by thirty days. She indicated that she disputes the necessity of the particular taking in this case as well as several particular elements, including factual errors in the Petitioner's prefiled testimony.

I indicated that I was somewhat sympathetic but would refrain from ruling on Mrs. McAllister's request to extend the schedule until after the site visit, which was scheduled for

later in that day. At the site visit Mrs. McAllister raised sufficient issues to convince me that the schedule proposed by the Petitioners ought to be extended. I will therefore establish the following schedule:

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|---------------------------------|---|
| September 23 – November 4, 2011 | Rolling discovery on Petitioners, with November 4 the last day to serve written discovery. Each party has two weeks to respond to written discovery |
| November 10 | Landowner and DPS file initial testimony and appraisal reports |
| November 16 | Discovery requests on Landowner and DPS due |
| November 30 | Rebuttal testimony from Petitioners |
| December 7 | Motions and stipulations due, discovery complete |
| week of December 12 or 19 | Technical hearings, with live surrebuttal by Landowner and DPS |
| January 6, 2012 | Briefs due |
| January 20 | Reply briefs due |

SO ORDERED.

Dated at Montpelier, Vermont, this 30th day of September, 2011.

s/John P. Bentley
John P. Bentley, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: September 30, 2011

ATTEST: s/Susan M. Hudson

Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)